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NOTES ON THE LAW OF COPYRIGHT AND IMPORTATION OF BOOKS*

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A. History and Nature of Copyright in the United States.

The question of copyright has concerned the people of the United States and their government from the earliest times. Prior to the adoption of the Federal Constitution the legislatures of all the thirteen colonies except Delaware had passed copyright statutes.[1] The founding fathers, many of whom were lawyers, were familiar not only with the English law of copyright but also with the laws of their own colonies on this subject. It was only natural, therefore, that they should give the problem of copyright serious consideration. In the Federal Constitution[2] which was adopted in 1787 they provided that:

> The Congress shall have power:—To promote the progress of science and useful arts, *by securing for limited times to authors* and inventors *the exclusive right to their respective writings* and discoveries.

An examination of this constitutional provision indicates that it contains several significant features so far as it relates to copyright. First, its purpose is "to promote the progress of science and useful arts". The framers of the Constitution had in mind not merely protection for authors but also the promotion of learning in general. Second, the rights are to be secured "for limited times, to authors and inventors". This provision precipitated a long dispute in the early days, as to whether it carried the recognition of a pre-existing right or the creation of a new one. Third, the only subject matter of copyright mentioned in the Constitution consists of "writings". Fourth, the Congress has the power to legislate concerning questions of copyright. What legislation, if any, is secured for the country

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*The purpose of this paper is to clear up a few of the popular misconceptions about copyright and set forth the more significant provisions of the law relating to the importation of books. Those who wish to go further in the study of copyright law should consult the excellent little book by Mr. De Wolf, or the books by Mr. Weil, Mr. Amdur, or Mr. Copinger.

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1. De Wolf, Richard C. AN OUTLINE OF COPYRIGHT LAW, p. 12.

2. Art. 1, Sec. 8.

is dependent on the policy and discretion of that body. Some of the early questions concerning copyright in the United States were settled in the case of *Wheaton v. Peters*,[3] decided by the Supreme Court in 1834. It held among other things, that copyright in this country is wholly a creation of federal statute and that Congress by the Act of 1790 instead of sanctioning an existing perpetual copyright in an author in his works, created the right, secured for limited time by the provisions of the law.

The first federal copyright statute in the United States is that of May 31, 1790.[4] It was short in length, consisting of seven sections, but it contained the germs of the present copyright law. It provided among other things: (1) that any citizen the author of any map, chart, or book should have the sole right to print, publish and vend his work (2) for a term of fourteen years, with the right of renewal for a second term of fourteen years if the author were living at the end of the first term (3) recording of the title prior to publication in the clerk's office of the district court where the applicant resides (4) forfeiture and damages for unlawful printing, reprinting, publishing or *importing* copyrighted works (5) deposit of a copy with the Secretary of State within six months after publication (6) giving of a notice of the copyright by four successive advertisements in a newspaper and (7) payment of a fee for copyright and recording.

Thus we see in this early statute who may obtain protection and for what period, the subject matter of copyright, provisions for infringement, and the formalities required to secure protection. Since 1790 some general revisions have been made and numerous amendatory statutes have been passed by Congress.[5] The principal statutes are the following: Act of April 29, 1802,[6] Act of February 3, 1831,[7] Act of August 18, 1856,[8] Act of March 3, 1865,[9] Act of July 8, 1870,[10]

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3. 8 Pet. 591.

4. 1 STAT. 124-26.

5. See Appendix for a list of all the acts of Congress relating to copyright from 1790 to date.

6. The act of 1802 amended the act of 1790 by (1) requiring notice on copies (2) extending the subject matter to include works engraved or etched and (3) providing a penalty for unlawfully claiming copyright. 2 STAT. 171-72.

7. This act though repealing the two previous statutes, expanded the law (1) by extending the subject matter so as to include prints, cuts and musical compositions (2) extending the term to twenty-eight years with the right of renewal for fourteen more years (3) requiring printed notice on all copies (4) providing for right of injunction to prevent unlawful publication and (5) providing for a penalty for infringement and use of a false claim on copies. 4 STAT. 436-39.

8. This act provided that copyright protection on dramatic compositions shall be deemed to include the sole right to act, perform or present the same. 11 STAT. 138-39.

9. This act extended the subject matter of copyright to include photographs and negatives; required the deposit of a copy with the Librarian of Congress within one month after publication; and defined book to mean every volume as well as new editions with new matter. 13 STAT. 540-41.

10. This act was a general revision and consolidation into one statute of the law relating to patents and copyright. One of the important changes consisted of the extension of the subject matter of copyright to include, "painting, drawing, chromo, statue, statuary . . . and models or designs intended to be perfected as works of the fine arts". 16 STAT. 198-216. In 1873-74 this law was superseded by the Revised Statutes Sections 4948-71.

Act of March 3, 1891,[11] and the Act of March 4, 1909,[12] with amendments. Each amendment made changes to meet the new scientific and intellectual development. They culminated in the present statute.

Any definition of copyright like most definitions is apt to be either too narrow and exclusive and therefore misleading, or too inclusive and meaningless. In general, it may be said that copyright consists of a right *in rem* granted by statute for the exclusive use and enjoyment of some intellectual production. The earliest and most common subject matter of copyright consisted of "writings". The author under the early law, as today, had the exclusive right to print, publish and vend his work for a limited period and anyone violating that right was subject to a suit for damages.

The right or protection afforded by copyright is somewhat similar to, and in certain instances overlaps, that afforded by patent or trade-mark. The three are similar in that all are conferred by statute, but they should not be confused. A patent is granted for the protection of an *idea* of an inventor as exhibited in a new and useful, "art, machine, manufacture or composition of matter", or a "new and ornamental design for an article of manufacture". And only the first inventor may have a patent on his invention even though two or more persons may have created or hit upon an identical machine. On the other hand, if it were possible for two or more persons to write the same book, paint the same landscape, or take the same photograph (as indeed can be done), both or all may have their works copyrighted.

A trade-mark may be differentiated from a copyright chiefly by the manner in which it is created. It comes into being through adoption and use. It is not reproduced and sold as books; but the law confers on the owner the right to use it on his goods and exclude others from using it, and provides special remedies after registration in the Patent Office.

In the United States our present copyright law consists of the Act of March 4, 1909, and its amendments,[13] as well as the various court decisions. By the Act of 1909, the common law copyright of an author is recognized, but this right extends merely to unpublished works. Most authors and composers contemplate publishing their works at some time. When publication is made the common law copyright is abrogated and ceases to exist. Copyright protection may be secured, however, if affirmative action is taken to comply with the copyright statute now in force in the United States. This consists, in general, of publishing the work with a proper notice of claim, depositing two copies (one copy of some classes of works)[14]

11. This act extended the benefit of American copyright protection to aliens, but restricted such protection by requiring American manufacture of the books or plates 26 STAT. 1106-10.

12. This is the statute in force in the United States at the present time. 35 STAT. 1075-88, U. S. CODE, Title 17. The amendments were passed by Congress in 1912, 1913, 1914, 1919, 1926, and 1928. See, 37 STAT. 488, 37 STAT. 724, 38 STAT. 311, 41 STAT. 368, 44 STAT. 818, and 45 STAT. 713. None of these amendments, however, made any radical changes in the act of 1909. The efforts to change the present law have met with failure, and as a result, many of the problems arising out of radio broadcasting today remain unsettled.

13. See *Supra*, n. 12.

14. Contributions to magazines, and books by foreign authors published abroad come within this class. See, sec. 12.

with a fee and application in the Copyright Office in the Library of Congress, and securing the registration or the recording of the proposed claim of copyright.[15]

It should be remembered that copyright protection cannot be secured for an idea but only for the literary or artistic expression of that idea.[16] Mere combinations of words, or titles, are useful as a means of identifying copyright works but they are not subject to copyright protection in themselves.[17] Copyright initiates in published works upon their publication with the proper notice of claim.[18] Deposit of copies together with the statutory fee and application is a subsequent act which is necessary to comply with the statute. Publication must be made *prior* to registration.[19] Registration is made afterwards, but the deposit of copies should be made promptly after such publication. Any contumacious delay might result in the loss of protection.

The period of copyright under the present law is twenty-eight years with the right of renewal for a like additional period if application is made during the last year of the first period.[20] After registration is made the copyright proprietor is furnished with a remedy and may sue in a United States court for any infringement, and secure damages or enjoin the infringer as provided by the statute.

B. Importation of Books.

In considering the law relating to the importation of books the purposes of the copyright law and the tariff law should be borne in mind. With the extension of American copyright protection to aliens in certain cases in 1891, the copyright law was also amended by requiring that all books published in the English language must be manufactured from type set within the United States in order to secure protection. The purpose of this provision of the law was to encourage American manufacturers and protect American labor. Aside from this modification, the primary purpose of the copyright law is to protect the producers of intellectual property, i. e., authors, artists, and composers, and thus in the language of the Constitution, "promote the progress of science and the useful arts". On the other hand, the primary purpose of the tariff law is to protect American manufacturers and regulate commerce. In the early days tariff duties were the principal source of revenue for the Federal Government. Today this feature of the tariff law is more nominal in importance.

15. Applicants having any doubts as to the classification of proposed works may secure information circulars as well as the proper application forms by addressing the Register of Copyrights, Library of Congress, Washington, D. C.

16. Holmes v. Hurst, 174 U. S. 82, 86; Nichols v. Universal Pictures Corporation, 45 Fed. (2d) 119; Guthrie v. Curlett, 36 Fed (2d) 694; White-Smith Music Co. v. Apollo Co., 209 U. S. 1, 17 (1907); and Ansehe v. Puritan Pharmaceutical Co., 61 Fed. (2d) 131, 137 (1932).

17. Holmes v. Hurst, *Supra;* Eichel v. Marcin, 241 Fed. 404; Osgood v. Allen, Fed. Cas. No. 10,603; National Picture Theatres v. Foundation Film Corporation, 266 Fed. 208; Atlas Manufacturing Co. v. Street and Smith, 204 Fed. 398, 403; International Film Service Co. v. Associated Producers, 273 Fed. 585; Glaser v. St. Elmo Co. 175 Fed 276; Corbett v. Purdy, 80 Fed. 901, Harper v. Ramos, 67 Fed. 904; Warner Brothers Pictures Inc. v. Majestic Pictures Corp. 70 Fed. (2d) 310.

18. Sec. 9.

19. This is true as regards most works registered under the present statute. Sec. 9. Provision is made, however, for the registration of certain unpublished works, such as lectures, dramas, musical and dramatico-musical compositions. Sec. 11.

20. Sec. 23.

If one examines the early copyright or tariff laws it will be found that neither contained any detailed provisions regulating the importation of books. In order to understand more properly the present law as it is found in the tariff and copyright statutes it is of considerable interest to glance at a number of the early statutes imposing duties on imports. In this way it is possible to trace the origin of the present provisions of each statute.

The first Congress of the United States in an act for laying a duty on "Goods, Wares and Merchandises" imported into the United States levied a duty of seven and one half per centum ad valorem on all blank books.[21] In the year 1790, the Congress excepted from any duty, books, household furniture, and the tools of trade or profession of any person bringing such articles and who came to reside in the United States.[22] This statute also excepted philosophical apparatus specially imported for any seminary of learning.

By the Act of April 27, 1816,[23] it was provided that all articles imported for the use of the United States, or philosophical apparatus, instruments, books, maps, charts, statues, busts, casts, paintings, drawings, engravings, specimens of sculpture, cabinets of coins, . . . painting, drawing, etching or engraving, specially imported by order and for the use of any society incorporated for philosophical or literary purposes, may be imported duty free.

In the statutes imposing duties on imports passed by Congress in 1824 and 1842 it was provided that:

> "On all books, . . . printed previous to the year one thousand seven hundred and seventy-five; and, also, on all books printed in other languages than English, four cents per volume, except books printed in Latin or Greek; . . ."[24]
>
> "On all books printed in the English language, or of which the English forms the text, when bound thirty cents per pound: . . . Provided that whenever the importer shall prove . . . that such book has been printed and published abroad more than one year, and not republished in this country, or has been printed and published abroad more than five years before such importation, then and in such case said books shall be admitted at one half of the above rate of duties . . . on all books printed in Latin or Greek fifteen cents per pound . . . all books printed in foreign languages, Latin, Greek, and Hebrew excepted, shall pay a duty of five cents per volume when bound or in boards . . . editions of works in Greek, Latin, Hebrew or English language which have been printed forty years prior to the date of importation, shall pay a duty of five cents per volume."[25]

During the Civil War the duty on books was increased from ten per centum ad valorem in 1846 to fifteen in 1861, twenty in 1862 and twenty-five per centum in 1864.[26] At various times during this period the duty was collected

21. Act of July 4, 1789, 1 STAT. 24.

22. Act of August 10, 1790, 1 STAT. 180, sec. 1.

23. Act of April 27, 1816, 3 STAT. 310, sec. 2.

24. Act of May 22, 1824, 4 STAT. 25, 28.

25. Act of August 30, 1842, 5 STAT. 548, sec. 7.

26. Act of July 30, 1846, 9 STAT. 42, sec. 11, schedule, G; Act of March 2, 1861, 12 STAT. 178, sec. 18; Act of July 14, 1862, 12 STAT. 543, 551, sec. 8; Act of June 30, 1864, 13 STAT. 202, 213, sec. 13.

even on books brought in for the use of schools and colleges and other institutions of learning, so that in 1848 the Congress passed an appropriation bill remitting the duty paid on the books imported for the Library of Congress and later refunding the duty collected from the schools and colleges.[27] Later, in 1857 it was provided that books imported for the Library of Congress and in addition those imported for schools and colleges and societies of learning should be imported duty free.[28] The law of 1861 was substantially to the same effect. It provided that all books, maps, and charts, imported for the use of the United States, or if imported specially and in good faith for the use of any society established for philosophical, literary, or religious purposes, or for the use or by the order of any school, college, academy, or seminary of learning should be duty free.[29]

In the Revised Statutes the general and permanent laws of the United States were arranged under headings so that related subjects were brought together. In Title 33, relating to duties on imports, a duty of twenty-five percentum ad valorem was placed on all books and periodicals:

> "Books, periodicals, pamphlets, blank-books, bound or unbound, and all printed matter, engravings, bound or unbound, illustrated books and papers, and maps and charts."[30]

In the Tariff Act of 1890[31] and 1894[32] the duty on books was continued at twenty-five per centum ad valorem. In 1913[33] it was reduced to fifteen per centum. This continued to be the duty in the 1922[34] law as well as the present law[35] if the books are of *bona fide* foreign authorship, and on all others not specifically provided for the duty is twenty-five per centum ad valorem. A glance at the provisions of the tariff laws of 1890 and 1894 relating to the duties on books will reveal that they are very simple. They are scarcely more than a reenactment of the Revised Statutes. The law of 1922 as well as the present statute is a considerable expansion over the earlier statutes.

In 1870 a significant change was made regulating the importation of books. In addition to the books and pamphlets exempt from duty under the previous law it was provided that the following should be imported duty free:

> "Books which have been printed and manufactured more than twenty years."[36]

Then in 1872, in an act entitled, "An Act to Reduce Duties on Imports, and to Reduce Internal Taxes, and For Other Purposes,"[37] the Congress reenacted the above provision and added the following:

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27. Act of March 29, 1848, 9 STAT. 217; Act of August 12, 1848, 9 STAT. 284,296.
28. Act of March 3, 1857, 11 STAT. 192, Schedule I.
29. Act of March 2, 1861, 12 STAT. 178, 193, sec. 23.
30. R. S. Sec. 2504, Schedule M.
31. Act of October 1, 1890, 26 STAT. 567, Schedule M.
32. Act of August 27, 1894, 28 STAT. 509, Schedule M.
33. Act of October 3, 1913, 38 STAT. 114, Schedule M.
34. Act of September 21, 1922, 42 STAT. 858, Schedule 13.
35. Act of June 17, 1930, 46 STAT. 590, Schedule 14, Par. 1410; U.S.C.A. Title 19, Sec. 1001, Schedule 14, Par. 1410.
36. Act of July 14, 1870, 16 STAT. 256, sec. 22.
37. Act of June 6, 1872, 17 STAT. 230, sec. 5.

"Books, maps and charts imported by authority for the use of the United States or for the use of the Library of Congress: Provided, That the duty shall not have been included in the contract price paid;

"Books, maps, and charts, specially imported, not more than two copies in any one invoice, in good faith for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order, of any college, academy, school, or seminary of learning in the United States;

"Books, professional, of persons arriving in the United States;

"Books, household effects, or libraries, or parts of libraries, in use of persons or families from foreign countries, if used abroad by them not less than one year, and not intended for any other person or persons, nor for sale".

A comparison of the Act of 1872 with the Revised Statutes indicates that these provisions were taken over bodily in the free list.[38] No changes were then made until the tariff law of 1890,[39] when the following addition was made in paragraph 513:

"Books and pamphlets printed exclusively in languages other than English; also, books and music, in raised print, used exclusively by the blind".

The remaining paragraphs, that is: 512 and 514-16 inclusive, substantially reenacted the provisions relating to books in the free list of the Revised Statutes as found in Section 2505. Paragraph 410 in the law of 1894 "included periodicals devoted to original scientific research and publications issued for their subscribers . . . or publications of individuals for gratuitous private circulation and public documents . . . ", and paragraph 426 of the Act of 1913 was changed slightly so as to include some other articles for the use of the blind, and in 1913 Bibles were put on the free list: "Bibles, comprising the books of the Old and New Testaments, or both bound or unbound."[40] Aside from this, scarcely any changes were made in these provisions of the tariff law from 1890 until the present.[41]

From an historical standpoint it is significant to note that the first federal copyright law contained no provision relating to importation. The Act of 1802[42] made it unlawful to import for sale any print on which a subsisting copyright existed. It was not until the Act of 1831 that a similar provision came to be applied to books.[43] It provided briefly that any copies of a book on which an

38. R. S. sec. 2505.

39. 26. STAT. 567, Schedule N, sec. 2.

40. Act of October 3, 1913, 38 STAT. 114, Schedule N. Par. 414. This provision was taken over in the Tariff Acts of 1922 and 1930 in the same language. 42 STAT. 858, Title 2, Schedule 15, par. 1520, and 46 STAT. 590, Title 2, Schedule 16, par. 1621.

41. Act of October 1, 1890, 26 STAT. 567, schedule N. sec. 2; Act of August 27, 1894, 28 STAT. 509, schedule N. sec 2; Act of October 3, 1913, 38 STAT. 114, schedule N.; Act of September 21, 1922, 42 STAT. 858, Title 2, schedule 15; Act of June 17, 1930, 46 STAT. 590, Title 2, schedule 16. The following table shows how the provisions of the law of 1890 were taken over in succeeding tariff acts:

(1890)	(1894)	(1913)	(1922)	(1930)
Par 512 became	Par. 410 became	Par. 425 became	Par. 1528 became	Par. 1629
Par. 513 became	Par. 411 became	Par. 426 became	Par. 1529 became	Par. 1630
Par. 514 became	Par. 412 became	Par. 424 became	Par. 1527 became	Par 1628
Par. 515 became	Par. 413 became	Par. 427 became	Par. 1530 became	Par. 1631
Par. 516 became	Par. 414 became	Par. 428 became	Par. 1531 became	Par. 1632

42. 2 STAT. 171, sec. 3.

43. 4 STAT. 436, sec. 6.

American copyright existed, which are imported without the consent of the copyright proprietor should be forfeited and the person possessing such copies should be liable in damages. Naturally enough the substance of this provision, except insofar as it relates to books in a language other than English, has survived until the present day. In the Copyright Statute of 1891, the provisions relating to importation were expanded and part of the Tariff Act of October 1, 1890 was included by reference.

The present law controlling the importation of books into the United States is found in the Copyright Statute of 1909, the Tariff Act of 1930 and the customs regulations which are brought into play in the enforcement of these statutes. Broadly speaking, it may be said that under these statutes there is no general prohibition against importation. The express prohibitions may be grouped under two headings (1) those of the tariff law forbidding books advocating treason and insurrection or books on contraception or obscene books,[44] and (2) those of the copyright law forbidding the importation of any book or copyright matter which would annul or limit the rights of a copyright proprietor, or in any way violate the copyright statute.[45] We shall now consider both statutes more in detail.

The prohibitions on importation imposed by the copyright law, with some exceptions noted below, in turn may be grouped under two headings. First, those relating to "piratical copies". Second, those relating to "American manufacture." Section 30 of the Copyright Act prohibits, "the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States". "False notice of copyright" means that the copies bear words indicating that they have been copyrighted in the United States when in fact they have not been copyrighted. By the term "piratical" is meant "the printing, reprinting, publishing, copying, or reproducing without the authority of the copyright proprietor of any article legally copyrighted and on which the copyright is still in force."[46] A "piratical" copy of a film has been defined as one which constitutes either an actual copy or a substantial reproduction of a legally copyrighted film produced and imported in contravention of the rights of the copyrights of the copyright proprietor.[47] This provision of the law is only natural and reasonable. Otherwise, the copyright law might easily be circumvented, the protection it seeks to afford might be curtailed and its purpose defeated.

It should be noted here that the provision of the law (sec. 31) embraces every American copyright in a book whether obtained under the Revised Statutes, the Act of 1891 or under the Act of 1909.[48]

The "American manufacture" provision of the copyright law is found in Sections 15 and 31. Section 15 provides that all books and periodicals published in the English language (aside from books seeking *ad interim* protection and except works in raised characters for use of the blind) be manufactured within the limits

44. 46 STAT. 590, Title 3, sec. 305, U.S.C.A., Title 19, sec. 1305.

45. Copyright Act of 1909, sec. 31.

46. Treasury Decisions No. 31754.

47. T. D. 33258.

48. 28 OPS. ATT'Y. GEN. 90.

of the United States in order to receive American copyright protection. The second prohibition on the importation of books is leveled chiefly so as to prevent any violation of the manufacturing provision of the copyright law. This prohibition is found in Section 31. It forbids the importation of piratical copies or any copies, (although authorized by the author or proprietor) or plates not made from type set within the United States of books copyrighted in the United States during the existence of such copyright—but with the following exceptions:

(a) Works in raised characters for the use of the blind may be imported.

(b) Foreign newspapers and periodicals may be imported unless they contain some matter copyrighted in the United States printed or reprinted without authority.

(c) Authorized editions of a book in a foreign language of which an English translation has been copyrighted in the United States may be imported.

(d) Any book published abroad with the authorization of the author or copyright proprietor may be imported if brought within one of the following provisions:

1. When imported, not more than one copy at one time, for individual use and not for sale; but foreign reprints of a book by an American author copyrighted in the United States may not be imported.

2. When imported by the authority or for the use of United States Government.

3. When imported for use and not for sale and not more than one copy of any such book in any one invoice in good faith for any educational, literary, scientific, or religious institution as schools, colleges, or free public libraries.

4. When such books or parts of libraries or collections purchased *in bloc* for the use of societies, institutions or libraries mentioned above, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale.

From the foregoing we see that the copyright law permits (1) the importation of unlimited authorized copies of works in raised characters for the use of the blind, and of foreign newspapers and magazines as well as books in a foreign language, (2) single copies of books not in a foreign language may be imported for individual use or for the use of schools, colleges, societies and libraries, or if forming part of a library.

The law specifically provides however, that copies imported under (d)1-4 above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured under the act and that such unlawful use shall be deemed an infringement of copyright.[49] It should be noted too, in this connection, that copyrighted books which have been printed from type set within the United States and the printing and binding performed here, may be rebound abroad without violating the copyright

49. Sec. 31, (d).

statute.[50] Of course in this case the statutory duty as imposed by the tariff law must be paid on the improvements made.

Before action may be taken by the Customs Service to prevent the importation of works under Section 31 of the Copyright Act, it is necessary that there be a subsisting American copyright, either *ad interim* or full term. A mere notice of intent to secure a copyright on a particular work is insufficient to invoke the protection accorded by Section 31.[51]

It should be noted also that first editions of publications printed abroad, in limited numbers with the signature of the author, constitute no exception to the prohibition against the unauthorized importation of copyrighted books.[52]

As mentioned above, in addition to the prohibitions imposed by the Copyright Statute, the Tariff Act of June 17, 1930[53] prohibits the importation of any books or papers advocating treason or insurrection against the United States, or forcible resistance to any law of the United States, or any obscene book or pamphlet or any article which is obscene or immoral,[54] or any drug or medicine or any article whatever for the prevention of conception or for causing unlawful abortion.[55] The Secretary of the Treasury may in his discretion admit the so-called classics or books of recognized or established literary or scientific merit, but may in his discretion, admit such classics or books only when imported for non-commercial purposes.

If the collector of the customs deems the above provision of the law to be violated he shall seize the books or articles in question and no protest shall be taken to the United States Customs Court from his decision, but he shall hold the seized articles to await the judgment of a United States district court. Upon seizure the collector shall transmit information thereof to the proper United States district attorney who shall institute proceedings for the forfeiture, confiscation and de-

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50. 28 OPS. ATT'Y. GEN. 209.

51. U. S. Customs Regulations 1937, Art. 546.

52. *Ibid*, Art. 545.

53. *Supra, n.* 44.

54. The Customs Bureau is unable to decide whether, in advance of an actual importation, a book or other article may or may not be detained as prohibited by the statute. The only guide, therefore, is the standard as laid down in the decided cases. In a case decided in 1933, and regarded as a liberal construction of the statute, it was held: (1) that the word "obscene" as legally defined by the courts, is tending to stir the sex impulses or to lead to sexually impure and lustful thoughts, (2) that the test is whether the book taken as a whole has a libidinous effect, and (3) that whether a particular book tends to excite sex impulses or lead to sexually impure and lustful thoughts must be tested objectively as to the effect of the book read in its entirety, on a person with average sex instincts. United States v. One Book Called "Ulysses", 5 Fed Suppl. 182. See also, 2 GEO. WASH. L. REV. 516-17 (May, 1934); 8 U. CIN. L. REV. 350-52 (May, 1934).

55. The Tariff Law of 1913 prohibited all persons from, "importing into United States from any foreign country any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, of any cast, instrument, or other article of any immoral nature, or any drug, medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket, or any advertisement of any lottery . . . " 38 STAT. 114, sec. IV G, subsection 1. This provision was taken over verbatim in the Tariff Law of 1922. 42 STAT. 858, Title 3, sec. 305. The present law was expanded so as to include among other things the prohibition against the importation of any books or papers advocating treason or insurrection.

struction of the books or matter seized.[56] In such proceeding the aggrieved party has a right to demand a trial by jury upon the facts in issue and an appeal as in the case of ordinary actions. If the court finds that the above provisions of the law have not been violated the books in question may be admitted, otherwise they may be ordered to be destroyed.

It is the function of the Customs Bureau and its officials to execute the laws of the United States relating to imports and exports. By Section 32 of the Copyright Act any articles prohibited from importation which are brought into the United States (except in the mails) may be seized and forfeited in the same manner as property imported into the United States in violation of the customs laws. In these situations the copies may be destroyed on an order of court or of the Secretary of the Treasury. If, however, such importation be by mail or otherwise and in violation of the provisions of this act, but does not involve wilful negligence or fraud and the copies are of authorized editions of copyrighted books, upon application to the Secretary of the Treasury in certain cases, they may be returned to the country of export. In Section 33 of the same act the Secretary of the Treasury and the Postmaster General are empowered and required to make joint rules and regulations to prevent the importation of copyrighted works in violation of this statute and may require notice to be given to the Treasury Department or the Post Office Department, as the case may be, by the copyright proprietors or aggrieved parties, of the actual or contemplated importations of copyrighted articles which may infringe the rights of such parties.

The practice and procedure of the Treasury Department is important both to the importer whose goods are detained or to one whose rights are being violated under the copyright law. The rights and remedies of the aggrieved party are set forth in detail in the following excerpts from one of the Treasury Decisions:[57]

> "A "piratical copy" of a film is defined as a film which constitutes either an actual copy or a substantial reproduction of a legally copyrighted film produced and imported in contravention of the rights of the copyright proprietor.
>
> "Collectors will admit to entry imported films concerning which either (a) adverse copyrights are claimed by parties in interest, or (b) an infringement only is claimed by a copyright proprietor other than the importer. In such cases the copyright claimants will be remitted to their rights at law or in equity.
>
> "Collectors will not permit entry of imported films concerning which either (a) representations are made that they are piratical copies and such representations are not denied by the importers, or (b) if the collector is satisfied they do, in fact, constitute piratical copies as above defined.
>
> "If the collector is not satisfied that an imported film is a piratical copy, and the importer files an affidavit denying that it is in fact such a piratical copy, and alleging that the detention of the film will result in a material depreciation of its value or loss or damage to him, the film will be admitted to entry, unless a written demand for its exclusion is filed by the copyright proprietor or other party in interest, setting forth that the imported film is a piratical copy of a film legally copyrighted in the United States, and unless there is also filed with the collector a good and sufficient bond conditioned to hold the importer or owner of such film harmless from any loss or damage

56. Tariff Act of June 17, 1930, c. 497, Title 3, sec. 305(a), 46 STAT. 688; U.S.C.A. Title 19, sec. 1305(a). T. D. 18600, 18567, 18845, 20572, 20771, 21966, 24311, 26058, 31411, 36920, 41001, 41111, 41410, 42347, 42907, 43603.

57. T. D. 33258.

resulting from its detention in the event that the same is held by the department not to be prohibited from importation under Section 30.

"Upon the filing of such demand and bond the collector will cause the film to be detained, and will fix a time at which the parties in interest may submit evidence to substantiate their respective claims, which evidence shall be reduced to writing at the expense of the parties in interest and transmitted by the collector to the department, with such report and recommendation as he may deem proper.

"No film will be presumed to be prohibited from entry as a piratical copy under said act, and the burden of proof that any film is in fact a piratical copy will be upon the party making such claim.

"If the film is held by the department to be a piratical copy, its seizure and forfeiture will be directed in accordance with section 32 of the copyright act, and the bond will be returned to the copyright proprietor, but if not so held, the collector will be directed to release the film and transmit the bond to the importer."

Summary

In considering the foregoing, it should be remembered that the provisions of the copyright law relating to importation (Sec. 31, (d)), parts of which bear a striking resemblance to the free list of the Revised Statutes and the present tariff law, merely indicate what books may be imported without violating the rights of copyright proprietors or the other rights granted by that act. It is clear, therefore, that the importation of some works may be authorized by the copyight law and at the same time be dutiable under the tariff act, or even be prohibited. In order to determine what works may otherwise be excluded, what duty is imposed on books, and what may be brought in free of duty, one must look to the tariff law.

Under the provisions of the present tariff law most imported books are subject to a duty at the rate of fifteen percent ad valorem if of *bona fide* foreign authorship and twenty-five per cent ad valorem if not of *bona fide* foreign authorship.

The value which is usually taken for the purposes of determining the duty is the foreign market or the export value whichever is higher.

In general the law relating to the importation of books may be further summarized as follows:

A. Under the Copyright Law.

1. The importation of piratical copies or copies bearing a false notice of claim, or any copies of copyrighted works in English which have not been produced from type set or other processes within the United States is prohibited with the exceptions above noted.

2. Copies imported under the provisions of the copyright law may not be used in any way so as to violate the rights of the proprietor of the American copyright or annul or limit the protection secured and any such unlawful use shall be deemed an infringement.

B. Under the Tariff Law.

1. All persons are prohibited from importing any book or pamphlet urging treason or insurrection against the United States, or of any obscene or immoral book, or any article whatsoever for the prevention of conception.

2. Bibles, comprising the books of the Old and New Testament, or both, may be imported duty free.

3. Books printed more than twenty years at the time of importation may be imported duty free but if rebound during that twenty year period, the leather bindings are dutiable at the rate of thirty percent ad valorem.

4. Books printed wholly or chiefly in languages other than English may be imported duty free.

5. Books may be imported for the use of the United States or for the Library of Congress duty free.

6. Publications issued for their subscribers, or exchange by scientific or literary associations, publications of individuals for gratuitous private circulation, and public documents of foreign governments, may be imported duty free.

7. Books, pamphlets and music in raised characters used by or for the blind may be imported duty free.

8. Any society established solely for religious, philosophical, educational, scientific, or literary purposes, or any college, school, or seminary of learning, or any State or public library may import books, maps, etchings, music, etc., for its own use duty free.

9. Books and libraries of persons or families from foreign countries, if actually used abroad by them not less than one year, and not intended for any other persons and not for sale, may be imported duty free.

APPENDIX.

Lists of Acts of Congress Relating to the Law of Copyrights From 1789 to Date.*

An Act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned. Act of May 31, 1790. 1 Stat. 124.

An Act Supplementary to an act, entitled [1 Stat. 124], and extending the benefits thereof to the acts of designing, engraving, and etching historical and other prints. Act of April 29, 1802, 2 Stat. 171-72.

An Act to amend the Several Acts respecting copyrights. Act of February 3, 1831, 4 Stat. 436-39.

An Act supplementary to the Act to amend the several acts respecting Copyrights. Act of June 30, 1834, 4 Stat. 728.

An Act to establish the "Smithsonian Institution," for the Increase and Diffusion of Knowledge among men". Act of August 10, 1846, 9 Stat. 102, 106. [Sec. 10.]

[Post Office appropriation act providing free postage on copyright deposits sent to the Copyright Office in the Library of Congress, sec. 5] Act of March 3, 1855, 10 Stat. 682.

An Act supplemental to an act entitled, "An act to amend the several acts respecting Copyright", approved February third, eighteen hundred and thirty-one. Act of August 18, 1856, 11 Stat. 138-39.

An Act providing for keeping and distributing Old Public Documents, [sec. 6 repealing provision requiring deposit of copies in Smithsonian Institution and

*This list does not include the private acts.

Library of Congress,—and sec. 8:—providing for transfer of previous copyright deposits from the State Department to Department of Interior]. Act of February 5, 1859, 11 STAT. 379.

An Act supplemental to an Act entitled, "An Act to amend the several Acts respecting Copyright" approved February third, eighteen hundred and thirty-one, and the acts in Addition thereto and Amendment thereof. Act of March 3, 1865, 13 STAT. 540-41.

An Act amendatory of the several Acts respecting Copyrights. Act of February 18, 1867, 14 STAT. 395.

An Act to revise, consolidate, and Amend the Statutes relating to Patents and Copyrights. Act of July 8, 1870, 16 STAT. 198-216.

An Act to amend the law relating to patents, trade-marks, and copyrights. Act of June 18, 1874, 18 STAT. 78-79.

An Act to amend the Statutes in relation to Copyright. Act of August 1, 1882, 22 STAT. 181.

An Act to amend title sixty, chapter three, of the Revised Statutes of the United States, relating to copyrights. Act of March 3, 1891, 26 STAT. 1106-10.

An Act relating to copyrights. Act of March 3, 1893, 27 STAT. 743.

An Act to amend section forty-nine hundred and sixty-five, chapter three, title sixty, of the Revised Statutes of the United States, relating to copyrights. Act of March 2, 1895, 28 STAT. 965.

[Creation of Office of Register of Copyrights]. See, Appropriation Act of February 19, 1897, 29 STAT. 538, at 545.

An Act to Amend title sixty, Chapter three, of the Revised Statutes, relating to Copyrights. Act of January 6, 1897, 29 STAT. 481.

An Act to amend title sixty, Chapter three of the Revised Statutes of the United States, relating to copyrights. Act of March 3, 1897, 29 STAT. 694-95.

Joint Resolution to protect the copyrighted matter appearing in the "Rules and Specifications for Grading Lumber adopted by the various Lumber Manufacturing Associations of the United States". June 29, 1906, 34 STAT. 836.

An Act to amend and consolidate the acts respecting copyright. Act of March 4, 1909, 35 STAT. 1075-88.

An Act to amend sections five, eleven, and twenty-five of an Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine. Act of August 24, 1912, 37 STAT. 488-90.

An Act to amend section fifty-five of "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine. Act March 2, 1913, 37 STAT. 724-25.

An Act to amend section twelve of the Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, nineteen hundred and nine. Act of March 28, 1914, 38 STAT. 311.

An Act to amend sections eight and twenty-one of the Copyright Act, approved March fourth, nineteen hundred and nine. Act of December 18, 1919, 41 STAT. 368-69.

An Act to amend section 15 of an Act entitled "An Act to amend and consolidate the Acts respecting copyright," approved March fourth, 1909. Act of July 3, 1926, 44 STAT. 818.

An Act to amend sections 57 and 61 of the Act entitled, "An Act to amend and consolidate the Acts respecting copyright", approved March fourth nineteen hundred and nine. Act of May 23, 1928, 45 STAT. 713-14.

THE RELATION OF THE LIBRARY TO LEGAL EDUCATION*

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Upon examining the now quite considerable body of literature on the subject of legal education, one is struck by the almost total absence of reference to law libraries, to their relationship to the educational problems under consideration, and to the potentialities involved in the much greater use of the law school library as an effective, and, in fact, indispensable, educational device.[1] At least three reasons appear to account for this fact. In some instances the contributor undoubtedly assumes the importance of library facilities and, as he is primarily concerned with some other matter, he gives them no consideration.[2] By others, the importance of the libraries is more or less fully appreciated, but the belief is entertained that their development and administration present no problems sufficiently serious to warrant separate and more or less continuous consideration.[3] In other words, it is assumed that only such administrative details are involved as will take care of themselves if and when the vital educational problems under discussion are satisfactorily

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*This is the first of a series of three articles by Mr. Roalfe on the topic "The Developing Role of the Library in Legal Education." The second article entitled *The Essentials of a Law School Library Service* and the third article *Some Suggestions for Improving the Law School Library Service* will be published in later issues of the LAW LIBRARY JOURNAL. Editor's note.

1. However, the constructive work done by a relatively few interested persons should not be overlooked. They would be the last to deny the truth of the above statement. For example, Dean H. Claude Horack, who has for years been closely identified with the work of the Association of American Law Schools, says: "In the development of legal education for which the Association of American Law Schools has been so largely responsible, the growth in the use of the law library seems to have lagged far behind." Horack, *The Small Law Library and the Librarian* (1937) 30 L. LIB. J. 6.

2. As would be expected, this attitude is usually implicit in the writings of those connected with law schools having more or less adequate libraries. Occasionally this fact is expressly stated, as for example with reference to the Northwestern University Law School See *infra* note 6.

3. Probably a no more striking example of this attitude could be found than that of the Special Committee on Organization and Program of the Association of American Law Schools which, at the same meeting that another committee was submitting a significant report relating to law school libraries (see 1936 Handbook 135, 332), recommended the discontinuance of the round table on library problems because it was "about played out." And yet, as was pointed out by Dean Horack during the discussion on the recommendation, the need for a round table is not dependent upon the number of persons interested, but upon the importance of the problems under consideration, and the desirability of providing an appropriate forum for informal discussion. However, even if the number of persons

solved.[4] However, this silence, or lack of concern, may certainly in many instances be ascribed to a third reason, namely, to the fact that the library facilities are regarded as of only minor importance.

It is, therefore, refreshing when one encounters the occasional unqualified statement of some legal educator with respect to the importance of the law school libraries, as, for example, the following made by the President of the Association of American Law Schools in 1927:

> "In the examination of law schools, no shortcoming appears more conspicuously and unmistakably than deficiencies in the library. Those accustomed to agreeable facilities for work and reasonably adequate materials for carrying on investigations, as well as the preparation of the day-to-day program, have little conception of the difficulties under which not a few of our fellow teachers labor. Peculiarly unfortunate it is that so many of the law-teaching recruits have to get their early teaching experience in schools with such limited facilities. To a group of law teachers it is superfluous to say that effective law school work cannot be hoped for without a numerous and well-selected lot of books. The Dean who was satisfied with his library containing no other reports but those of his own state, on the ground that all the law had been adequately declared by his Supreme Court, surely must stand alone."[5]

Nor is the following language less emphatic:

> "It need not be stated in this connection that a library is the first essential of legal scholarship. A law school simply cannot get along without it. It is the one thing that all people interested in law schools fully agree upon. There is nothing about such an institution which increases in value so rapidly, and which is more enduring. Before it becomes too huge, it ought to be so ordered that it can be available with the least expense."[6]

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interested should the determining factor, the committee's conclusion was apparently unjustified, for in spite of the obvious competition with other round tables scheduled at the same time, 68 persons attended the library round table at this meeting. Nevertheless, it should certainly not be concluded that the members of this committee were unsympathetic to the development of the law school libraries, for several of them had already shown an active interest, and although it recommended the discontinuance of the round table, the Committee as a whole favored the continuance of the Committee on Cooperation with the American Association of Law Libraries. See ASS'N. AM. L. SCHOOLS, HANDBOOK (1936) 38-42, 91, 336; *Proceedings of Round Table on Library Problems, 34th Annual Meeting* (1937) 30 L. LIB J. 1.

4. Albeit in his study published in 1928, Dr. Alfred Z Reed recognizes the importance of the law libraries, he appears to have labored under this erroneous impression for he says: "Although law books constitute the indispensable tools of legal education, they count for little until placed in competent hands; and a competent faculty will surely provide itself with these tools, up to the limit of the school's financial resources." Reed, *Present Day Law Schools in the United States and Canada* (Bulletin No. 21, Carnegie Foundation for Advancement of Teaching) 110, footnote 1. For a criticism of this view see Hicks, *Law Libraries and Legal Education* (1928) 14A. B. J 678.

5. Aigler, *Legal Education and the Association of American Law Schools* (1927) 6 AM. LAW S. REV. 59, 62.

6. Northwestern University Law School. Bulletin No. II, *The Law School Development Program* (1929) 20.

While a few have long since recognized the importance of the library,[7] unfortunately, the assumption of universal agreement contained in the last quotation is not justified by the facts.[8] However, the two statements, just quoted, if taken together, can undoubtedly be accepted as expressing the views of the best informed. This being the case, it is all the more surprising that such relatively few persons have seriously concerned themselves with this matter. Happily there are now very definite evidences of a growing interest among law school administrators and teachers, as well as among the law librarians themselves. Increased activity on the part of the American Association of Law Libraries[9] is being constructively supplemented by the Association of American Law Schools, both through the round table discussions inaugurated in 1932,[10] and by the work of its Committee on Cooperation with the American Association of Law Libraries during the last two years.[11] It now seems altogether likely that the combined efforts of these two associations will lead to a definite movement of far reaching consequences. Obviously this increasing activity is, among other things, expressing itself through the gradual development of a literature concerned specifically with the relationship of the law library to legal education in general.[12]

Nevertheless, there is as yet nowhere to be found any comprehensive discussion of this subject, nor is there available any serious general consideration of the various factors involved in bringing about such fundamental changes as are implicit in many of the current proposals for the advancement of legal education.[13] In

7. For example, in the history of the Yale Law Library a definite and unqualified recognition of this fact can be traced back to the year 1845. See HICKS, THE YALE LAW SCHOOL: THE FOUNDERS AND THE FOUNDERS' COLLECTION (YALE LAW LIBRARY PUBLICATIONS No. 1, June 1935) p. 31.

8. For example, most unapproved schools do not even claim to have a library. See appendix to report of Special Committee on Non-member schools, ASS'N. AM. L. SCHOOLS, HANDBOOK (1936) 285, 292. In other schools the faculties are often quite indifferent. See HORACK, *The Small Library and the Librarian* (1937) 30 L. LIB. J. 6.

9 In 1934 the American Association of Law Libraries adopted a plan for the expansion of its program of activities. See 27 L. LIB. J. 145, 180. For the full text of the plan see 25 L. LIB. J. 177. For the report of the committee for 1933-34, see 27 L. LIB. J. 40. A summary of the activities of the Association will be found in Roalfe, *The Activities and Program of the American Association of Law Libraries* (1936) 29 L LIB. J. 7. For the latest developments see the Proceedings of the Thirty-second Annual Meeting of the American Association of Law Libraries (1937) 30 L. LIB. J. 261, and Roalfe, *Development of the American Association of Law Libraries Under the Expansion Plan* (1938) 31 L. LIB. J. 111.

10. The addition of a round table on library problems was specifically included in the recommendations of a special committee on round tables. See ASS'N. AM. L. SCHOOLS, HANDBOOK (1931) 175, 178. For the adoption of this recommendation see *id.* at 28, 111.

11. See 29 L. LIB. J. 15; ASS'N. AM. L. SCHOOLS, HANDBOOK (1935) 144. For the reports of this committee see ASS'N. AM. L. SCHOOLS, HANDBOOK (1936) 135, 332, and HANDBOOK (1937) 337.

12. The latest contributions will be found in the Proceedings of the Round Table at the 34th Annual Meeting of the Association of American Law Schools (1937) 30 L. LIB. J. 1. For other articles see the Cumulative Index to Vols. 21-29 of the Law Library Journal in Vol. 29. It should of course not be concluded that these problems are peculiar to legal education. In all higher education the need for instruction in the use of library materials is being increasingly felt. See especially the following articles by Peyton Hurt: *The Need of College and University Instruction in Use of the Library* (1934) 4 LIB. Q. 436, and *Bridging the Gulf Between the College Classroom and the Library* (1934) 59 LIB. J. 748.

13 But in dealing with some of the specific factors involved, Professor Hicks has on several occasions clearly indicated the importance of this subject in general. See especially Hicks, *Law Libraries and Legal Education* (1928) 14 A. B. A. J. 678.

this, and the two succeeding articles, therefore, we shall briefly discuss some of these more important factors, in an endeavor to show both their necessary relationship to the contemporary movements in legal education and the important role that the law libraries must play in the future. It is sincerely to be hoped that this discussion will stimulate a much more detailed examination of some of the more vital considerations, here only briefly touched upon, for what is so urgently needed is a far more widespread interest in the development of an adequate law school library service and its integration with the legal educational program.

In a recent issue of the Annual Review of Legal Education, Dean Pound significantly points out that a little more than one hundred years ago Joseph Story summarized the purposes of a law school curriculum as (1) preparation for the effective conduct of litigation, and (2) preparation for public life.[14] Dean Pound then proceeds to state the present situation as follows:

> "No such simple statement is possible today. At least seven purposes must be taken into account: (1) The primary purpose of preparing for practice of the profession, not overlooking the diversity of local law and procedure and bearing in mind the manifold activities which practice in the large city of today may involve; (2) to train competent business advisers as to the legal side of business, industrial, and public-service enterprises; (3) to train future judges; (4) to train future legislators; (5) to train future teachers of law and law writers; (6) to train those upon whom the public will rely for sound advice and criticism as to legislation and the legal aspects of political affairs; and (7) to carry on investigations of the problems of legal adjustment of human relations and of how to meet those problems effectively."[15]

Obviously the underlying conditions, which are so largely responsible for the great broadening of purposes in legal education as indicated above, have at the same time been producing profound changes in the world of library science. In almost every field and on a nation-wide scale the problem of coping with the ever expanding mass of printed matter has been a serious one. In this respect the law has certainly been no exception for in no area have the shrinking of distances, brought about by improved methods of transportation and communication, the accelerated tempo of modern life and the increasing complexity of human relationships, produced more conspicuous results. Reliance upon precedent has, in the first place, greatly stimulated the production of printed matter, which, once produced, must be made available. In consequence, the law libraries are confronted with the serious problem of meeting the ever increasing needs of their specialized public. For convenience these may for the most part be attributed to the following factors:

1. The notable increase in printed matter in each and every jurisdiction, as one field after another comes within the purview of the law.
2. The growing tendency to consider legal problems from a national and even international point of view, or to study them comparatively.

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14. Pound, *Present Tendencies in Legal Education*, AM. BAR ASS'N. ANNUAL REVIEW OF LEGAL EDUCATION FOR 1935, pp. 1, 7.

15. *Id.* at p. 7.

3. The more general realization that law must be considered in its broader social setting.

4. The need for having immediately available full information with respect to contemporary developments, even if this must be supplied in temporary form.

5. The inevitable development of numerous search books, without which the study of law today would be virtually impossible.

6. A constantly increasing volume of printed matter, primarily of a critical, analytical, or historical nature.

7. The necessity of preserving a major portion of these materials because they contain the record of past experiences.

As an inevitable result the expression, "the tools of the profession," which has until comparatively recently referred to a limited number of books, must now be regarded as embracing an almost unlimited number—so many in fact that their convenient utilization is impossible, unless they have first been organized into an effective library service. There has thus been injected into the picture of professional activities and interests, originally quite unobtrusively and largely unnoticed, but now more conspicuously, a virtually new field for specialization, and nothing is becoming more clear and unmistakable than that the legal profession in general cannot be adequately served as long as the role of this special group is regarded as of minor importance. An effective law library service simply cannot be created nor maintained in the absence of an adequate personnel equipped both by training and experience to perform the wide and varied tasks necessarily involved.[16]

Legal educators have of course by no means altogether disregarded these changing conditions, nor has the growing importance of the law library been entirely overlooked. Experimentation has been more or less continuous. A few innovations, after their values have been demonstrated, have been adopted elsewhere, and even in general some ground has been gained. For example, today the belief long entertained by a few leaders that an adequate legal education can no longer be obtained in a law office is becoming so widespread that it hardly needs any argument to support it. While there may be a few who still maintain that Mark Hopkins on one end of a log and a student at the other end will suffice,[17] some recognition and appreciation of the other indispensable requirements is now

16. A detailed discussion of what is involved in the creation and maintenance of a law library service will be included in the second article of this series.

17. A somewhat facetious but nonetheless effective statement of this truth is the following: "Mark Hopkins is all right at one end of a corridor, the longer the better, if there is a first-rate laboratory or library at the other end. It's nice to have Mark on call when you want him if he keeps to his hole when you don't; but he is a ghastly bore when he is on hand all the time, and you want a good microscope or some original-source documents oftener than you want Mark. You can frequently substitute for Mark or even do without him; but there is no substitute for libraries and laboratories . . . " DeVoto, *Another Consociate Family* (1936) 172 Harpers Magazine 605, 606. Professor Hicks has on several occasions called attention to the increasing inadequacy of the Mark Hopkins ideal as applied to legal education. See especially his article, *Law Libraries and Legal Education* (1928) 14 A. B A. J. 678. Apparently the program of the Yale Law Library takes full account of this fact See, YALE LAW LIBRARY MANUAL, THE BUILDING, THE BOOKS AND THEIR AVAILABILITY FOR USE, (Yale Law Library Publications No. 5, August 1937) p. v. After all, this is nothing more nor less than the modern application of Lord Coke's advice to students of the law that they "seek the fountains."

found even in many of the obviously poorer law schools. Something in the way of plant is provided and certain minimum equipment (the most important element being books) is acknowledged as essential. In every place where formal training, at all worthy of being designated as legal education, is being offered, there will be found at least a few texts, case books, or similar materials, and generally a limited number of volumes of court reports. Lip service,[18] if no more, is being paid to the flattering but doubtful assumption, so popular with after dinner speakers at bar association meetings, that the practice of the law in this country is in the hands of a "learned profession."

But the transfer of the responsibility for legal education from the law office to the law school has not in the past, nor will it in the future, automatically free legal education from the deficiencies increasingly evident in law office training. Unfortunately in some instances notable advances have been neutralized to a considerable extent through the almost complete sacrifice of other values inherent in law office training when at its best. Leaving the use of library materials altogether out of account for the moment, one has merely to call attention to the long uphill struggle of the legal aid movement, so far as the clinic may be regarded as an educational device, to demonstrate how indifference, preoccupation with other disciplines (whose values are not here being called in question), and in some instances even hostility, have together so materially delayed the realization of anything like an ideal legal educational program. As the extent to which these attitudes have prevented training in the use of library materials is a matter with which we are directly or indirectly concerned throughout this paper, it need not be particularly stressed at this time. Our immediate object is rather that of demonstrating that a proper emphasis upon this particular aspect of the lawyers' training will, among other things, contribute to the solution of a number of the problems which are now causing serious concern. Some of the most important of these may be summarized as follows:

1. The growing difficulty of trying to impart to students the expanding mass of important technical information.

2. The continuing failure fully to equip the graduate with even the rudiments of techniques indispensable both in active practice and in other branches of the profession.

3. The increasing necessity to deal effectively with the ever present tendency toward over mechanization in education.

4. The desirability of reducing the conflict between those who insist that the emphasis should be either upon a "practical" or a "theoretical" program of training.

There can be no doubt about the fact that an intelligently utilized library ser-

18. An interesting illustration will be found in the library requirement of the National Association of Law Schools. Although the adoption of such a provision testifies to the fact that the members either recognize the importance of the library or hesitate to be on record to the contrary, the provision is worded so as to avoid all necessity for compliance with the requirements of the only standardizing agencies exerting any appreciable influence. The language throughout is so general in character that effective enforcement would be virtually impossible. See Annual Meeting of the National Association of Law Schools (1937) 8 AM. LAW S. REV. 972, 973.

vice will contribute something of value in meeting each of these difficulties. With respect to the first, it is becoming increasingly clear that the law schools cannot hope to teach everything. Even the addition of a fourth year, although it may have value, will not suffice, for

> "....the changes in our law which require a four years course will by the same logic ultimately require a five or six or ten year course. There can be no mechanical solution for a problem which is created by the endeavor to force a continually increasing volume into a fixed space and we are being brought to the realization that we must seek other methods to adapt the law school course to the growing technique of the law."[19]

A fuller realization of the value of equipping law school graduates with a knowledge of how to find and apply such law as is relevant at the moment, notwithstanding the fact that the particular subject matter has not been covered by a formal course, should considerably mitigate the present reluctance to abandon the pursuit of a hopeless ideal.[20]

And secondly, how can it intelligently be denied that facility in the use of the tools of the profession must be included among the "other methods" suggested by Mr. Justice Stone in the above quotation. Certainly there is a good deal of truth in the statement that "If the student knows a good case when he sees it,—and how to find it,—he will be able to take care of himself anywhere and anywhen."[21] Obviously, no such capacity can be developed except through actual practice in the use of the books themselves, in all their wide and complicated variety. Happily, however, the "mechanics" of the art of finding the law cannot be mastered unless there are at the same time developed mental faculties of great value to the lawyer, nor should we overlook the fact that some substantive knowledge is inevitably acquired. Let there be no mistake about the fact that in legal education the library should assume a role not altogether dissimilar to that of the laboratory in the study of the natural sciences. One of the principal differences between the two fields of teaching today is that in the latter disciplines this fact is more generally recognized. Needless to say, in this respect medical education in general is far in advance.

Just as the laboratory has so largely contributed to the diversification and broadening of the teaching program, so in legal education a good library may be utilized to bring about such salutary changes.[22] Lectures, class discussions, case book study, can be supplemented by the generous use of library materials, to the end that the present rigidity of the curriculum and the over mechanization of so much in legal education may at least in part be avoided. The limitations here will

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19. Stone, *The Future of Legal Education* (1924) 5 AM. LAW S. REV. 329, 332.

20. Obviously one of the present obstacles is the attitude of some boards of bar examiners. Until questions are framed so as to determine "capacity" rather than detailed knowledge of subject matter, students will feel impelled to demand courses on every subject. Fortunately, however, in a few states the importance of capacity in finding the law is gaining recognition.

21. Darby, *Criticism of Our Law Schools* (1917) 12 ILL. L. REV. 342, 352.

22. In this connection it is interesting to note that in teaching introductory science many institutions are to some extent shifting the emphasis from the laboratory to the library. See Reeves and Russell, *The Relation of the College Library to Recent Movements in Higher Education* (1931) 1 LIB. Q. 57, esp. 61.

be largely determined by the interest of the law school teachers themselves and by the time at their disposal for experimentation with new teaching methods and for individualized instruction.

No doubt there always will be differences of opinion between those who see the greater value either in a predominantly practical or a predominantly theoretical education. Fortunately, it is neither necessary nor desirable to effect a complete reconciliation between these divergent points of view. Far different, however, should be the situation with respect to fundamentals, particularly when these are obviously common to both conceptions of what is the best legal education. If familiarity with the numerous devices, which alone give access to the printed record of the law is not such a fundamental, it is hard to imagine anything which may be so regarded.[23] Because this fact by no means has been fully realized Mr. Darby's sweeping indictment of the law schools made in 1917, not only was then, but unfortunately still is in large measure, justified.[24] In this instance the usual defense that the law schools cannot be expected completely to train the lawyer is not available, for this is one of the techniques with which the law schools are or should be peculiarly qualified to equip their graduates.[25]

As has heretofore been stated, legal education has not by any means remained stationary with respect to this matter. In a few schools the curriculum has more or less adequately recognized the importance of training in the use of law books, while in somewhat larger number such opportunities have been provided for at least a portion of the student body. However, in few if any of the law schools has there been anything like a complete integration of this essential discipline with the other aspects of the educational program, to the end that a due amount of training shall be provided throughout the entire three year course.

Inasmuch as the case book method of instruction has presented perhaps the chief obstacle to a modification of teaching methods we can hardly proceed intelligently without pointing out its close relationship to the problems with which we are concerned. Probably no one will deny that the development of the case book system has been a momentous event in the history of legal education, nor will there be many who would advocate the abolition of the case book as a teaching tool. Certainly no law school librarian is blind to its merits, both as a substitute for the expensive and altogether impractical duplication of the law reports that would

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23. One lawyer has asserted that "three-fifths of the lawyer's workday is devoted to 'finding the law'." See Darby, *A Criticism of Our Law Schools* (1917) 12 ILL. L. REV. 342. While this proportion is undoubtedly too high for the rank and file of lawyers, it does indicate its importance in the workday of the thorough practitioner, particularly in the metropolitan areas.

24. *Id.* While undoubtedly considerable progress has been made since this article appeared, particularly in the teaching of formal courses in legal bibliography, a large proportion of the law school graduates is still entirely innocent of any thorough grounding in the use of law books. See *infra* p. 151.

25. In this connection the following statement of John Hanna is of interest: "From a professional viewpoint the law school tries to bridge the gap between college and law office. No one expects the law school completely to train the lawyer. It gives him a technique, and a certain familiarity with his future materials. The rest of the training he must give himself over many years" Hanna, *The Law School as a Function of the University* (1932) 10 N. C. L. REV. 117, 149-150.

otherwise be necessary, and because its use has greatly reduced the wear and tear on expensive sets of books, which, in some instances cannot be replaced at any price. However, the fact remains that while the utilization of the case book has been distinctly broadening in some respects, in others no such salutary effect has resulted. Nor does the inclusion of materials other than decisions of the courts in any way reduce the evil effects resulting from its exclusive use. In short, to the extent that the case book continues to blind law teachers to the necessity of supplementing this method of instruction by actual practice in the use of the original materials themselves, there is the greatest danger that these advantages are being bought at too great a price. Some of the more recent experiments with new teaching techniques appear to indicate, among other things, that this fact is gaining recognition.[26]

Unquestionably conditions are radically wrong in the law schools where the libraries are merely convenient places in which students may read their case books rather than "extremely important teaching aids". Under such a pedagogical system nothing is more probable than that the student will become "case book bound", a condition bearing marked similarities to that of a plant when too long maintained in a pot inadequate in size to permit its normal growth. Inevitably the root system develops in a series of ingrowing circles and eventually adaptation to a larger environment may become extremely difficult, if not impossible, and the plant will languish although in the very presence of the abundant opportunities offered by the natural environment. Similarly the day may come when the student will adapt himself only with the greatest difficulty to the necessities of active practice, so far as the use of law books is concerned, and in some instances he may fail to do so altogether. The brilliant case book student may become a failure as a lawyer, for nothwithstanding the fact that independent *thinking* may have been stimulated, personal initiative and self-confidence have been discouraged from the beginning. He has been "spoon-fed" by the professors. Their favorite case books have been supplemented only by definitely circumscribed lectures and classroom discussion. In other words, his development has been too carefully directed at every step. It hardly seems necessary to point out that specific references for parallel reading do little to alleviate this narrowing effect. Assuming the student actually does the reading suggested, he merely goes to the library, takes a specific volume from the shelves and turns to the page or pages indicated. If any difficulty is involved it is more than likely that he will rely upon the aid of an attendant. From this point forward the assignment may be, and no doubt usually is, helpful, but certainly all these preliminary steps have been largely mechanical. Instead of learning how to find the information with which he may solve legal problems he has been learning how to do the professor's bidding.

Thus the case book, in spite of the great contribution it has made to classroom instruction, and notwithstanding its superiority to the student text, has left much to be desired. Its obvious effectiveness for certain purposes lays its use open to

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26. For discussion of some recent trends in legal education, see Garrison, *Developments in Legal Education at Michigan, Illinois, Chicago, Northwestern, Minnesota, and Wisconsin*, AM. BAR ASS'N., ANNUAL REVIEW OF LEGAL EDUCATION FOR 1936, p. 18.

criticism from other points of view.[27] Except to the extent that it has preserved the library books from wear and tear and the staff from extra work, the case book has rendered the library as a legal educational device a distinct disservice. The limitations of the case book method of instruction have perhaps nowhere been as clearly set forth as in the following language:

> "But observe that the case method does not take the student into the promised land of the law. Indeed, he is shown only 'moving pictures' of selected portions of it—and leaves school without even a road-map! In other words, he does not go to the law; carefully selected specimens of it are given to him for analysis. Of course, this is as it should be. But the point is that the case method is not a panacea. It should constitute a *part* of a *system* of legal instruction. Any pretension that by its use alone students can be prepared for the practice of the law is demonstrably unsound. The case method trains 'the student in legal thinking and in legal reasoning.' A small fund of positive knowledge is a by-product of the method. It is quite obvious, however, that unless the case method is supplemented by other instruction, the pupil will leave as ignorant of *how to find the law* as he was unskilled in legal ratiocination when he matriculated. Of the location and means of access to and through the highways, byways, alleys, crooks, and crannies of the vast domain of American and English case-law, the case method gives no information whatsoever."[28]

Obviously as great if not greater limitations are imposed by the use of lectures, classroom discussion, and in fact every teaching method, to the extent to which it prevents a reasonable amount of practice in the use of the library materials themselves. And too much emphasis cannot be placed upon the fact that facility in this respect is becoming increasingly imperative as the "vast domain" of American and English law expands. Unquestionably legal education has not kept pace with fundamental changes so far as they are reflected in the greatly increasing production and accumulation of law books.

In view of this fact, is it not clear that any teaching method which will promote a more rounded development of the law student should receive serious consideration? Undoubtedly this is so. Let us, therefore, now turn our attention to an examination of some of these methods, for the most part not new, in order that we may indicate how they may serve more fully the purposes of legal education, without at the same time involving any great sacrifice of other values.

As would be expected, the addition to the curriculum of a specific course designed to impart such knowledge was one concrete result of the growing realization that something should be done. Having once been introduced the course in legal bibliography gradually found its way into the regular teaching program of a number of the schools. To the law book publishers, however, must go the credit for first having recognized its importance, and the informal instruction offered

27. The same criticisms are of course applicable to such compilations as the SELECTED READINGS ON CONTRACTS, and the SELECTED ESSAYS ON CONSTITUTIONAL LAW.

28. See *supra* note 21, p. 348.

by them has helped pave the way for the introduction of more adequate methods of training.

But a position of respectability for the course in legal bibliography has by no means been achieved as yet. Not only is it still sometimes given "not for credit" from which the students draw the perfectly obvious conclusion that it is relatively unimportant, but all too frequently it is assigned to the youngest member of the faculty, to the latest addition, or, what is far worse, it is imposed upon an unwilling instructor, who in consequence gives grudgingly of his time, either because he is otherwise fully occupied or because he is not interested and indeed occasionally because he resents having imposed upon him a chore beneath his dignity.[29] Instructors selected for such irrelevant reasons and harboring such attitudes can hardly be expected to achieve satisfactory results, and it is perhaps largely for these reasons that lectures and classroom discussion are sometimes stressed at the expense of the more time consuming type of instruction based upon actual work in the library.

But the formal course in legal bibliography is not only failing to meet the needs today because it is frequently ineffectively presented, but also because a substantial proportion of law school graduates have attended institutions where no such instruction is offered. Even a number of the eighty-four law schools that are members of the Association of American Law Schools, including not only some of the schools with a large enrollment of students but several of the so-called better schools, do not offer such courses. It is also not uncommon to combine the teaching of legal bibliography with other instruction under circumstances which would appear to preclude all possibility of adequate treatment.[30] With respect to the ninety-six non-Association law schools, it can with perfect safety be concluded that such instruction is for the most part totally lacking or hopelessly deficient since in virtually all, if not in all of them, libraries are either conspicuous by their absence or manifestly inadequate.[31]

Obviously, then, even to the extent to which we may rely upon the formal course in legal bibliography to bring about the desired results, much remains to be done. But however desirable it may be to urge the wider adoption of such instruction we should not lose sight of the danger that many will assume that this will, in and of itself, dispose of the problem. Nothing could be further from the truth, first, because there is no probability that a sufficient amount of the student's time will be allotted to such a course,[32] and, second, because better results can be

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29. Several instances have come to the writer's attention where the instructor frankly admitted that he did the very least that was required to "get by" with the course.

30. While the statements relating to the teaching of legal bibliography appearing in the law school bulletins are not always sufficiently clear to justify the assignment of a specific school to a particular category, they undoubtedly support the general conclusions above set forth.

31. See Report of Committee on non-member schools. ASS'N. AM. L. SCHOOLS, HANDBOOK (1936) 285, esp. appendix p. 292.

32 An examination of the bulletins of the schools that are members of the Association of American Law Schools reveals that in a majority of the schools where legal bibliography is taught the course is confined to one semester hour and in only three schools does it extend beyond two semester hours.

achieved by more or less continuous training throughout the three years rather than through concentration at one particular time. The formal course cannot and should not be expected to serve as more than an introduction to the subject. It should therefore be offered in the first year, and for the specific purpose of equipping the student to undertake independent research work in connection with other aspects of the instructional program. Obviously, any of a number of methods may be utilized to achieve this end. Uniformity of method is not essential, either as between law schools, or with respect to the students in a particular school. Nor is there any need for shifting the emphasis in all courses. Indeed such an over-emphasis would be as subject to criticism as the endless analysis of cases which many students have resented so heartily.[33] No such sacrifice of other values is required.

But, as has been indicated above, the formal course in legal bibliography not only does not provide the complete solution to the problem, it is as a matter of fact not the first effective device employed for the purpose of giving students practice in the use of the original library materials. Long before it was projected some students frequented the library and poured over books, and no doubt occasionally this involved something more than the largely mechanical process of securing the cases and articles assigned by the instructors. Let us now undertake a brief examination of several of the more specific helpful devices which are at present being utilized in order thereby to suggest some of the ways in which the formal course in legal bibliography may be effectively supplemented.

From among these we may certainly single out the law reviews for first consideration. Both in the past and in the present they have contributed materially to the training of such students as have participated in their publication—so much so, indeed, that it is a commonplace both in the law schools and among practitioners that the law review man is especially qualified to do effective work. No doubt, he is frequently one of the better students, but it hardly can be denied that his specific training has been helpful in converting potentialities into present capacity. Although he may still have much to learn, his basic training has been such that he may make himself almost immediately effective. While facility in finding the law in the books is but one aspect of his equipment, this has been acquired, as it should be, along with and because necessary to the solution of actual legal problems.

Were it not for the fact that law review work is available only to the select few—too frequently those who perhaps need it the least—many of the criticisms contained in this article would require considerable modification. Unfortunately, even in the schools which publish reviews, the majority of students are not affected. Therefore, even in these schools, some adequate provision should be made for the remainder of the student body, and in the other law schools some alternative plan should be adopted.

The task of devising ways and means of achieving such desirable ends is not primarily a library problem; it is a teaching problem, for the solution of which the entire faculty should feel the responsibility. Much can be done by the further

33 Although Langdell contended that "all the available materials" were contained in "printed books", which is certainly not true, he actually much further restricted his interest by his preoccupation with case law. In this connection see Yntema, *The Purview of Research in the Administration of Justice* (1931) 16 Iowa L. Rev. 337, esp. 351.

development of a number of more or less successful methods already in use. Instruction in briefing or legal writing of any kind may, and usually does involve some practice in finding the law. Obviously any courses designed to provide training similar to that obtained in law review work will be helpful, as for example, courses concerned with the study of contemporary decisions for the purpose of preparing case notes and comments, although not for publication; individualized research work in connection with some formal course or entirely independent thereof; and the wider utilization of the so-called honors courses. Excellent training may also be provided in connection with moot court practice and work in a legal aid clinic. Needless to say, students who have the opportunity to work directly for faculty members, may, if their tasks are not of a purely routine nature, acquire considerable facility in legal research. Much here depends upon the attitude of the faculty member, as well as upon the time that he may have available for guidance. From among these and other suitable devices, every law school should make such a selection as to insure to every student, not only an early introduction to legal research but a thorough grounding before he leaves the law school.[34] However unjustified some criticisms leveled at legal edcation may be, there is no valid answer to the one contained in the following language except an actual demonstration on the part of law school graduates that it is no longer applicable.

> "After such work, lectures would be superfluous; or, if given, they should be understood. And the graduate would have learned not only to know a good case, but how to find it. Going from law school to law office would not be like translation into a totally different world—a world where the sphinx puts many riddles, the answers to which are locked in the cases—the whereabouts of which are unkown! Multigraph copies of professorial lectures on contracts, torts, crimes, carefully-preserved notes, law magazine articles, and other evidences of unpreparedness (which every graduate brings with him) would not then move docket-clerks and office-boys to laughter. The wealth of American and English case-law would be at his command. And in the law office the graduate would continue to do with ease what the student had been doing at school.
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> "Promotion of legal science is the great duty and privilege of the professor of law; but since the law schools are resorted to mainly by young men who wish to be prepared for the *practice* of the law, we may rightfully demand due consideration for the needs of the ordinary lawyer."[35]

In the foregoing discussion we have concerned ourselves almost exclusively with the relationship of the library to the formal teaching program. This, however, by no means exhausts the possibilities for the utilization of the library as a

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34. The importance of imparting this instruction in law school is brought home to everyone who is connected with a library that serves members of the legal profession. If this facility was readily "picked up" in practice there would not be so many lawyers who do not know how to use library materials. For a lawyer's confirmation of this statement see *supra* note 21 p. 348-349. See also Foot, *The Need for College Instruction in the Use of Law Books* (1917) 10 L. LIB. J. 25.

35. See *supra* note 21 p. 353.

constructive factor. Its resources are, or should be, such that its service may also supplement all methods of formal instruction. The mere presence of a wide selection of books provides opportunities for stimulating a broader type of reading and study on the part of both students and faculty members, and the law library may carve out for itself a quite distinct field for service without in any sense infringing upon the domains of other libraries in the community. Surely the law schools should encourage independent reading, and if the ideal of a legal profession composed of "educated" persons is ever to be achieved, lawyers must cultivate a taste for legal biography,[36] for legal fiction, for general legal works, for legal history, for jurisprudence, for books in the social sciences, in other words for books which although not "tools of the profession" in the narrower sense of the word, are indispensable to the development of that background which every professional man should have.

While the failure fully to develop this aspect of the law school library's service is no doubt in part due to the fact that it is not always clearly recognized, and in part to the inadequacy of funds for the purchase of books in these classes, other claims upon the time of both students and faculty members present the most serious obstacle. This is indeed a problem for which no solution seems to be readily available. Notwithstanding this fact, every practical effort should be made to so expand our law school library services for they thus may be most effectively utilized, as more or less neutral, but by no means passive influences in the further development of legal education and of the legal profession as a whole.

There now remains but one matter requiring our attention, namely, legal research, the responsibility for which is being assumed by an increasing number of the better law schools. In fact even Mr. Darby, who was viewing the law school primarily from the practitioner's point of view, acknowledged, in the statement just quoted, that the promotion of legal science is the great duty and privilege of the professor of law. Indeed both the bar[37] and the public at large are more and more looking to the law schools for effective collaboration, and in fact for actual leadership in dealing with many problems where highly specialized training or a thorough knowledge of some special technical field is essential, and in most instances such collaboration involves legal research either past or present.

However, legal research in the law schools is by no means confined to that involving direct collaboration with members of the bench and bar and public officials. Such an emphasis is in fact for the most part rather recent. Traditionally the law school professor has concerned himself either with the study of legal problems in a much wider perspective or with questions of a quite narrow technical nature, in both instances leaving to the future and to others their direct application to life. Obviously, most of this work eventuates in written contributions, whether reports, articles, or books. In consequence, in America a very substantial proportion of all

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36. See Falknor, *The Function of the Law School Librarian* (1937) 30 L. LIB. J. 13, esp. 14.

37. See Rogers, *The Dream of a Real Legal Profession for America*, ASS'N. AM. L. SCHOOLS, HANDBOOK (1934) 106, esp. 111; 21 A. B. A. J. 141, esp. 143; 8 AM. LAW S. REV. 147, esp. 150.

critical writing is of academic origin. Needless to say, every present indication is to the effect that this emphasis will continue and that a large number of law schools will, although to varying degrees, combine legal education and legal research in working out their comprehensive programs of service. While such research activities may not affect the students directly, the whole teaching program is inevitably colored by faculty participation.

No law school can assume the responsibility for legal research without focusing attention upon its library. Obviously, most of the materials required for teaching (except duplications) are essential. However, there will be felt immediately a further need for more extensive library resources and all items in particular fields may become indispensable. Without them research may be difficult if not impossible, but this fact is by no means always fully recognized. Perhaps no clearer demonstration could be found than the establishment of the ill-fated Institute of Law at a university not already possessed of a comprehensive legal collection. Of course the proximity of Johns Hopkins University to Washington, D. C. was a factor of considerable importance, but as any informed person knows, effective research work cannot be done unless the great mass of needed materials is immediately at hand. Apparently those responsible for launching this ambitious enterprise, either did not appreciate the indispensable nature of a library service, or they failed to recognize the fact that both time and almost unlimited funds would be necessary to assemble a collection and create a library service such as would be required.[38]

From the foregoing discussion it should be perfectly clear that "every tendency in legal education today emphasizes the need for more books."[39] While the increasing importance of legal research is, in the first place, a result of these very tendencies, it in turn and on its own account reinforces the already pressing demands for library materials arising from the changing educational pogram. As an inevitable consequence the library must assume a position of increasing importance. But nothing is further from the truth than the assumption that this fundamental change involves any diminution in the importance of the role of the faculty. Some changes in method are of course involved and those whose ideas with respect to legal education have crystallized will no doubt be disturbed. However, their vested interests will not be encroached upon. For the most part, more, not less, will be required of the faculty. Therefore, those who are now taking such an active interest in devising more effective methods of instruction should not overlook this important aspect of their problem. The development of an adequate library service under competent supervision will of course relieve the faculty of certain responsibilities with which they should not be burdened, but it is the fundamental thesis of this article that only through wholehearted cooperation between a competent library staff, whether it consists of one person or a dozen or more, and a genuinely interested faculty, can the training provided for every law student be made adequate.

38. Of course those who were selected to carry out the work of the Institute may not have shared such a lack of appreciation of library materials.

39. YALE LAW LIBRARY MANUAL, THE BUILDING, THE BOOKS, AND THEIR AVAILABILITY FOR USE (Yale Law Library Publications No. 5, August 1937) p. v.

CURRENT COMMENTS

Helen Moylan Elected President of A. A. L. L.

HELEN S. MOYLAN, Law Librarian, State University of Iowa, Iowa City, Iowa, was elected President of the American Association of Law Libraries at its Thirty-Third Annual Meeting held in St. Paul, Minnesota, June 28 to July 1, 1938. Arthur S. Beardsley, Law Librarian, University of Washington, Seattle, Washington, was re-elected First Vice-President; and Lewis W. Morse, Law Librarian, Cornell University, a former member of the Executive Committee, was named Second Vice-President. The office of Executive Secretary and Treasurer was filled by the re-election of Helen Newman, Law Librarian, The George Washington University, Washington, D. C.

James C. Baxter, Librarian, Philadelphia Bar Association, retiring President of the Association, and the following librarians will serve as members of the Executive Committee during the year 1938-39: Sidney B. Hill, Assistant Librarian, Association of the Bar of the City of New York; Olive C. Lathrop, Librarian, Detroit Bar Association Library; Robert Owens, Librarian, San Francisco Law Library; and Laurie H. Riggs, Librarian, Library Company of the Baltimore Bar.

The Thirty-Third Annual Meeting, attended by ninety librarians and associate members from twenty states, the District of Columbia, and Canada, was declared to be one of the most successful conventions in the history of the Association. The program included a number of informative addresses, reports and resolutions. An exhibit of microphotography, arranged by Miss Helen Moylan and Mr. Hobart R. Coffey in connection with their papers on that subject, was of especial interest. In addition to the formal program, a series of delightful entertainments provided by the West Publishing Company contributed much to the success of the meeting.

The proceedings of the Annual Meeting and the full text of all addresses, papers and reports will be published in the September number of the LAW LIBRARY JOURNAL.

Library Appointments of Interest to A. A. L. L. Members

OSCAR C. ORMAN was appointed on July 1st, 1938, University Librarian and Director of University Libraries at Washington University, Saint Louis, Missouri. Mr. Orman, who has been Law Librarian at Washington University since 1936, will retain the title of Law Librarian and Assistant Professor of Law for another year.

An active member of the American Library Association and the American Association of Law Libraries, Mr. Orman has participated in the programs of a number of annual meetings of the two Associations. At the First General Session of the Sixtieth Annual Conference of the American Library Association in Kansas City, Missouri, on June 13th, he gave the Response to the Addresses of Welcome on behalf of the American Library Association and affiliated organizations. Mr. Orman addressed the Thirty-Third Annual Meeting of the American Association of Law Libraries at Saint Paul, Minnesota, July 1st, speaking at the Institute on Law Library Appropriations on the topic *Administrative Authority in Law Librarianship.*

Miss Eunice Cox, LL.B. 1937, has been appointed Reference Law Librarian at Washington University. Miss Cox, who has been in active practice in Saint Louis since her graduation from law school, became a member of the library staff on July 1st, 1938.

Miss Alice Daspit, Law Librarian, Louisiana State University 1935-36 and Assistant Law Librarian 1936-37, has been appointed Law Librarian for the academic year 1938-39. Miss Daspit, who holds the degrees of B.A., B.S. in L. S. and M.A. in Government, received the degree of Bachelor of Laws from Louisiana State University at the June, 1938 convocation.

Mr. E. Hugh Behymer, Law Librarian at Louisiana State University since July, 1937, has received an appointment to the Graduate Library School of the University of Chicago. While at the University of Chicago he will take work leading to the degree of Doctor of Philosophy.

Mrs. Elizabeth Armstrong Cupp, Law Librarian of the University of Southern California for the past seven years, has resigned from library work. She will be succeeded by Henry E. Springmeyer, A.B., J.D., who has been Acting Law Librarian during the academic year 1937-38.

Mrs. Cupp, who prior to her appointment at the University of Southern California was Assistant Librarian at the University of California, has been a member of the American Association of Law Libraries since 1927. She has been an active committee worker, serving as Chairman of the Committee on Regional Cooperation, 1933-34 and 1934-35, and as Chairman of the Committee on Cooperation with the Association of American Law Schools, 1935-36.

Her article, *Pamphlets, Their Collection and Classification in Law Libraries,* read at the Twenty-Seventh Annual Meeting of the Association held at New Orleans in April, 1932, was printed in volume 25 of the Law Library Journal (L. Lib.J. 25:240-245).

A letter sent on May 23, 1938 to the alumni of the Law School of the University of Southern California noted the resignation of Mrs. Cupp as follows: "... we acknowledge her seven years of loyal and efficient service."

New Haven County Bar Association Bulletin

The Yale Law Library has available for distribution, on exchange to law libraries, copies of Number 21 (May, 1938) of the New Haven County Bar Association Bulletin which has the sub-title "New Haven Colony Tercentenary Number, 1638-1938." This number contains a verbatim reprint of *An Abstract of the Lawes of New England, as they are now established.* (London, F. Coules, and W. Ley, 1641.)

There is also on hand a small supply of Numbers 8, 10, 12, 13, 16, 17, 20, which will be exchanged for reports of bar associations, attorneys general, public utility commissions, workmen's compensation commissions, and for legislative journals and other material lacking in the Yale Law Library. Librarians who desire to arrange for an exchange should write to Professor Frederick C. Hicks, Law Librarian, Yale University.

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PREPARED BY HOWARD L. STEBBINS
Librarian, Social Law Library

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*As there are no indexes for the individual volumes of the Quarterly the cover pages of each number containing a table of contents should be preserved and bound in the volumes. A *Consolidated Index* to volumes 1-8 is contained in volume 8, number 5, supplement, August, 1923; and a *Consolidated Index* to volumes 1-14 is found in volume 14, number 7, supplement, August, 1929.

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RECENT LOCAL BOOKS, CASE BOOKS, TREATISES, INDEXES AND SERVICES

Administrative Process, The. By James M. Landis. Yale University Press, 1938. $2.00.

California: Library Laws of the State of California. California State Printing Office, 1938.

Check-List of Legislative Journals. Revised edition bound in cloth. Public Document Clearing House, Providence, R. I. $10.00.

Chicago Law Institute, The. (Subject Index—1902-37). The Chicago Law Institute, 1938.

Digest of Opinions of the Attorney-Generals. (A weekly mimeographed service). The Council of State Governments, Chicago. $10.00.

Evans Cases on Constitutional Law. (4th Edition). By Charles G. Fenwick. Callaghan & Co., 1938. $6.50.

Expert Witness, The. By Arthur L. Mundo. Parker and Baird, Los Angeles, 1938. $5.15.

Federal Bankruptcy Act. (1938 Edition). Commerce Clearing House, Inc. $1.00.

Federal Practice under the New Federal Rules. By James W. Moore and Joseph Friedman. Matthew Bender and Co., 1938. 3 Vols. $25.00. Vol. 1, ready.

Gatley on Libel and Slander in a Civil Action. (3rd Edition). By Richard O'Sullivan. The Carswell Co., Ltd., 1938. $18.75.

Illinois Tax Service. Commerce Clearing House, Inc.

Indiana: Attorney-General's Opinions, 1937.

Kansas: Part I, 12th Annual Report of Judicial Council, 1938.

Law of Housing in Scotland, The. Wm. Hodge and Co., Edinburgh, 1938.

Legal Education for 1937, Annual Review of. American Bar Association, 1938.

Medico-Legal Text of Traumatic Injuries, A. By Louis J. Gelber. Soney & Sage Co., 1938. $6.00.

Michigan: 8th Annual Report of Judicial Council, 1938.

National Association of Attorneys-General, Proceedings of the 31st Annual Meeting. National Association of Attorneys-General. $1.00.

National Conference of Commissioners on Uniform State Laws and Proceedings of the 47th Annual Conference, 1937, Handbook of the. Lord Baltimore Press.

New Jersey: Descriptive List of the Laws and Joint Resolutions enacted by the 1938 Legislature to June 17, inclusive. New Jersey State Library, Trenton. Gratis.

New Mexico: State Bar Proceedings, 1936 and 1937.

New York: Baldwin's New York Consolidated Laws, Annotated, 1938. One Volume Edition. Matthew Bender & Co. Pre-publication cash price $49.50; terms price $59.50.

Notable Virginia Bar Addresses. The Michie Company. $5.00.

Old Yukon. By Hon. James Wickersham. The Michie Company. $4.00.

Partnership and Other Unincorporated Associations, Illustrative Cases on. By Eugene A. Gilmore. West Publishing Co., 1938.

Patton on Titles. Vernon Law Book Co. $15.00.

Pennsylvania: Pennsylvania Land Law. By Robert Grey Bushong. Soney & Sage Co., 1938. 3 Volumes, $35.00.

Remick's Practice and Procedure in the Orphan's Court of Pennsylvania. (3rd Edition). 1938.

Public Administration Organizations: A Directory, 1938-39. Public Administration Clearing House. $1.50.

Public Corporations in Great Britain, The. Oxford University Press, 1938. $3.50.

Recognition and Enforcement of Foreign Judgments in the Common Law Units of the British Commonwealth. By Horace E. Read. Harvard University Press, 1938. $4.00.

Retail Sales Taxation. By Neil H. Jacoby. Commerce Clearing House, Inc. $3.00.

Revenue Laws with 1938 Act and Explanation. Commerce Clearing House, Inc. $2.00.

Rules of Civil Procedure for the District Courts of the United States. Commerce Clearing House, Inc. $2.00.

Shepard's Federal Reporter Citations. New Edition, superseding 1911 and 1921 Bound Vols., and April 1938 Cumulative Supplement. Frank Shepard Co., 1938. $50.00.

Small Loan Laws, Annotations on. By F. B. Hubachek. Russell Sage Foundation, 1938. $3.00.

Standard Legal Directory. 1938 Edition. Standard Legal Directory Co. $10.00.

Unicameral Legislature, The. By Alvin W. Johnson. University of Minnesota Press, 1938. Trade, $2.50. Text, $2.00.

United States: Decisions of the Commissioner of Patents, 1937. G. P. O., 1938. $1.25.

Decisions of the Securities and Exchange Commission, Vol. 1, bound. G. P. O., 1938. $1.75.

Federal Communications Commission Reports, Vol. 4. G. P. O., 1938. $1.50.

Federal Register, 1937. (Bound volume II, parts 1 & 2). G. P. O., 1938. $7.00 a set.

U. S. Statutes at Large, Vol. 50, Part II. G. P. O., 1937. $5.00.

Waite on Sales. By John B. Waite. (New Edition). Callaghan & Co., 1938. $5.00.

West Virginia: State Bar Association Proceedings, 1937.

White on Corporations. Nine-Year Cumulative Supplement (1930-1938). Edited by Samuel W. Eager. Matthew Bender and Co. $6.00.

William Blackstone Collection in the Yale Law Library, The. A Bibliographical Catalogue. By Catherine Spicer Eller. Yale Law Library Publications No. 6, June 1938. $1.50.

AMERICAN STATE REPORTS AND SESSION LAWS EXCLUSIVE OF SIDE REPORTS

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